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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/330,272	06/11/1999	RICHARD ZAFFINO	113304	9223
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23838 7590 03/31/2003

KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON, DC 20005

EXAMINER

VANDERPUYE, KENNETH N

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,272

Applicant(s)

ZAFFINO, RICHARD

Examiner

Kenneth N Vanderpuye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-21 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-16,22 and 23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1-8-03 have been fully considered but they are not persuasive. With respects to claim 1 applicant argues that an address communicable with by an alternative network is associated with a particular service... The claim however refers to a wireless service and does not distinguish this service from other types of services, or infer that IP addresses are associated with different services. In Hartmaier the TIP addresses are assigned to mobiles who need to access the network. The TIP address gives mobiles access to wireless service. Hence it can be inferred that the TIP address is associated with wireless services.

Claim Rejections - 35 U.S.C. § 112

2.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 1-11, 12-16, 22-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, the method transfers information between a subscriber and a wireless service.(claim 1 lines 1-2, 6-7) Wireless services are supported by a wireless network and information is transmitted between the subscriber and the wireless network. Hence one cannot transfer information between a subscriber an a wireless service. Information may be transferred between a subscriber and a service node, STP or a router etc. A subscriber uses wireless services provided by a network to transfer information.

With regards to claim 12, applicant claims a method of using an alternative network to provide wireless services, however in lines 6-7 it is not clear from the body of the claim if the alternative network is used to communicate the wireless services list.

4. Claim 2 recites the limitation "said alternative network" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Hartmaier. (6,034,753)

With regards to claim 1, the admitted prior art teaches a method comprising the steps of:

receiving a registration request for the subscriber at a service node(Fig. 1, MSC)

What the admitted prior art fails to teach is determining at the service node an address addressable by an alternative network and associated with a wireless service(Tip address)

transferring information between the subscriber and the wireless service using the alternative network address(Tip address used for routing over data network). It would have been obvious to combine Hartmaier with

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the admitted prior art for the purpose enabling transmission over IP network. The motivation being to enable mobile user access to the internet.

Claim 2 is rejected because the MSC is capable of using the SS7 network or data network alternately.

Allowable Subject Matter

7. Claims 17-21, 24 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reached on (703) -305-4703.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.



Kenneth Vanderpuye

March 23, 2003